

Appl. No. 09/814,552
Amdt dated February 26, 2007
Reply to Office Action of February 8, 2007
Att. Docket No.: 7014-101

Filing date: March 22, 2001
Applicant Name: Henry H. Wheeler, Jr. et al.
Examiner: Rabon A. Sergeant
Art Unit: 1711

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REMARKS/ARGUMENTS

Claims 15 - 17, 37 - 44, and 46 - 47 are pending. Claims 16, 17, 37, 41, 46, and 47 were amended by the amendment filed October 12, 2006 and claims 37, 41, and 46 are further amended by this supplemental amendment. Support for the amendment can be found at page 12, line 12 to page 13, line 13.

The Examiner is thanked for the personal interview conducted on October 28, 2006 at which the instant amendments were discussed. The Examiner said he would consider these amendments in conjunction with the amendments submitted with the October 12, 2006 response but that the issue would require further consideration before a position could be taken..

At the interview, we also discussed the amendments of October 12, 2006 to the apparatus claims 15 - 17 and 47 and it was agreed that the response adequately addressed the issues set forth under 35 U.S.C. § 112.

Applicant will not repeat the responses made in the amendment of October 12, 2006, which this paper is not intended to supplant but to supplement, and will confine his remarks to the supplemental amendment. As an initial matter, applicant styled the present amendment with respect to the state of the claims prior to the amendment of October 12, 2006 as the amendment of that date has not yet been accepted. However, for convenience of the present discussion, to highlight the new features being referred to, the following how the amendments to claims 37, 41 and 46 would be written had the October 12, 2006 amendment been accepted.

Claim 37 (currently amended) A flexible liner, comprising:

- a) a geotextile fabric lining a surface and having pores; and
- b) a polyurethane composition comprising a fibrous material, ~~sprayed over~~ formed by spraying said fibrous material and reaction components comprising a polyol and an isocyanate together onto said surface-lining geotextile

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fabric, filling in the pores and forming a one layer monolithic membrane with the geotextile fabric.

Claim 41 (currently amended) A process for the preparation of a flexible liner comprising:

- a) layering a sheet of a geotextile fabric having pores and a perimeter edge onto an object to be lined; and
- b) providing fibrous material and reaction components comprising a polyol and an isocyanate; and
- ~~b)c) spraying a polyurethane composition~~
comprising a said fibrous material and said reaction components together onto said layered sheet of geotextile fabric~~[[,]]~~ whereby to form a polyurethane composition comprising said fibrous material filling in the pores and forming a one layer monolithic membrane with the layered geotextile fabric.

Claim 46 (currently amended) The process of claim 41, further comprising attaching the layered geotextile fabric to the object with an adhesive, prior to spraying the fibrous material and reaction components that form the polyurethane composition, wherein the perimeter edge of the geotextile fabric is not tacked to the object to allow gas to escape.

By this amendment, it is a combination of fibrous materials and polyol and isocyanate reaction components that is sprayed together onto an already layered sheet of geotextile material. This results, as stated in the claims, in polyurethane comprising the fibrous material filling in the pores of the geotextile fabric and forming a one layer monolithic membrane with the geotextile fabric. As such it is completely distinct from the cited references. As pointed out in the amendment of October 12, 2006, Adam et al.

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require their liquid mixture to be dispensed onto a continuously moving porous blanket (see the Abstract and column 1 lines 43 – 47). Moreover, neither Adam et al. nor Markusch et al. teach layering a sheet of geotextile fabric onto an object and spraying the polyurethane composition onto the layered sheet of geotextile fabric. See the discussion in the October 12, 2006 as well as there discussion there as to why it is inappropriate to reject the claims further over White.


As noted in the specification, at page 2, lines 11 – 13 and page 3, lines 3 – 5, problems of the prior art when fully reacted polyurethane is applied to a vertical surface include slumping and the inability to conform to complex shapes and surface details. The claimed invention avoids slumping problems and enables the application of reinforced polyurethane to complex vertical surfaces such a geotextile surface.

Applicants believe that the claims are all in condition for allowance and respectively solicit a Notice of Allowance.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-3881.

Dated: February 26, 2007

Respectfully submitted,

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